

**321—4.3(231) Designation of PSA.** Unless changed for reasons given in this chapter, the PSA boundaries shall remain the same as those existing on July 1, 1985.

**4.3(1) Criteria.** The PSA boundaries shall remain the same as those which existed on July 1, 1985, unless altered for cause under the provisions of this chapter. The commission may alter existing PSA boundaries only after giving consideration to and meeting all requirements under Section 305 (42 U.S.C. 3025) of the Act.

**4.3(2) PSA boundary alteration procedure.** Prior to submission of the multiyear state plan on aging, the commission shall notify the AOA of the intent to either maintain or alter existing PSA boundaries. If the intent is to alter PSA boundaries, the department shall utilize the following process:

*a. Notice.* The department shall advertise the intent to alter existing boundaries and the availability of applications to serve as a PSA in the affected area by sending notice to all AAA, units of local government, and known groups of elders in the affected PSA.

*b. Publication.* The department shall also publish a notice in at least one newspaper of statewide circulation and the official newspapers as designated for each county served by the affected PSA.

*c. Time frame.* The notice shall be published a minimum of 50 days in advance of the deadline for submitting applications.

*d. Deadline.* The notice shall state the precise deadline for requesting application packets as well as for submittal of completed applications.

**4.3(3) Application requests.** Interested applicants shall send a letter of intent to apply and a request for an application packet to the Department of Elder Affairs, Jessie Parker Building, 510 East 12th Street, Suite 2, Des Moines, Iowa 50319. The letter and request must be received by the department prior to the deadline for requests as established in the notice provided pursuant to paragraph 4.3(2) “d.”

**4.3(4) Application content.** The application shall contain information that indicates the applicant’s ability to:

*a.* Meet the criteria established in the Act;

*b.* Conform to state law and rules promulgated by agencies having jurisdiction in the affected PSA.

**4.3(5) Public hearing.**

*a.* Within 60 days after notification of AOA as required in this rule, the department shall hold a minimum of one public hearing which shall be chaired by the director or the director’s designee for the purpose of receiving presentations by the applicants and comments from the public.

*b.* The department shall designate a date, time and place for the hearing and shall publish notice at least two weeks in advance. If possible, the ICN network will be used to minimize travel for those wishing to participate, except applicants. Applicant presentations are to be given at the designated public hearing site in Des Moines.

*c.* The department may receive oral and written comments from interested persons prior to the hearing. These comments shall have the same weight and effect as those received at the hearing.

*d.* Presentations and comments at the hearing shall be time-limited and shall be prearranged with the department.

**4.3(6) Department review of applications and comments.**

*a.* The department shall review all applications and comments to determine the applicant most qualified to fulfill the PSA obligations for the affected area.

*b.* A synopsis of application and comment information shall be prepared for the commission. If requested, the commission may fully review all applications and comments.

*c.* Within 90 days after the public hearing, the department shall issue a proposed decision. The proposed decision shall be based on analysis of application content, public comments and criteria contained in Section 305 (42 U.S.C. 3025) of the Act.

**4.3(7) Commission action.** The commission shall act on the boundary alteration proposal or designation of a PSA at its next meeting after receipt of the department’s proposed decision. As a part of the commission’s action, the commission shall include an effective date which shall be at least 365 days after the final decision.

**4.3(8)** *Appeal.*

- a.* Any applicant for designation as an AAA whose application is denied may appeal the decision pursuant to 321 IAC 13.
- b.* At the conclusion of the appeal under 321 IAC 13, if the AAA wishes to continue the appeal process, the final decision may be appealed in writing to the assistant secretary of the AOA within 30 calendar days of receipt of the decision.